

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
Am Lotus Buddhist Assoc Minor Residential Subdivision (4 Lots +Rem); Tentative
Parcel Map; TPM 21047; ER 07-02-001

October 8, 2009

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the
Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program and the project site and locations of any off-site improvements contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance, the project has found to be exempt based on the direction from the Agencies letter dated March 17, 2004. To support the exemption, the following required findings have been made and the USFWS and CDFG have concurred:

- The loss of coastal sage scrub is less than one acre
- The habitat is not occupied by the California gnatcatcher
- The project occurs in low value habitat or medium value habitat outside of identified preserve planning areas
- The habitat loss will not preclude the design or prevent the preparation of the subregional NCCP reserve system.

II. MSCP/BMO – Does the proposed project conform to the Multiple Species
Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The project will obtain its water supply from the Rainbow Municipal Water District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The [Steep Slope](#) section (Section 86.604(e))?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

Wetland and Wetland Buffers:

Even though wetlands and/or wetland buffer areas have been identified on the project, the project has been found to be consistent with Article IV of the Resource Protection Ordinance, due to the following reasons: a) the project will not place any non-permitted uses within wetlands; b) the project will not allow grading, filling, construction, or placement of structures within identified wetlands; and c) the project will not allow any non-permitted uses within wetland buffer areas. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

The site contains southern coast live oak riparian forest and open water, which if disturbed would result in a significant impact. The entire area of southern coast live oak riparian forest and open water, will be placed in an open space easement prior to

issuance of improvement or grading plans or prior to recordation of the Parcel Map whichever comes first. A 50 foot wetland buffer will also be placed in an open space, surrounded by fencing, signage, and a 100 foot LBZ. There is also an area of mulefat scrub that does not qualify as an RPO wetland and will not be placed in open space, but off-site mitigation and the requirement to obtain a Streambed Alteration Agreement will ensure there will be no net loss of wetlands and no significant impact will occur. Therefore, it has been found that the proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

Floodways and Floodplain Fringe:

The project is not located near any floodway/floodplain fringe area as defined in the resource protection ordinance, nor is it located near any watercourse which is plotted on any official County floodway/floodplain map.

Steep Slopes:

The average slope for the property is 17.6 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

Sensitive Habitats:

No sensitive habitat lands were identified on the site as determined on a site visit conducted by Beth Ehsan on September 10, 2008. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian, Philip de Barros of Professional Archaeological Services on May 26, 2007 and it has been determined that the property does not contain any archaeological/ historical sites. The results of the survey are provided in an archaeological survey report titled, "*Negative Cultural Resources Survey Report for a 20-Acre Parcel on the North Side of Reche Road Just East of Rabbit Hill*", dated July 9, 2007, prepared by Philip de Barros of Professional Archaeological Services. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearance, and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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The project Storm Water Management Plan for this project was approved by the Department of Public Works complete and is found to be in compliance with the WPO. As outlined in the Storm water Management Plan (SWMP) prepared by William Karn Surveying, Inc., the project will implement the following site design measures, source control, and/or treatment control BMP's to reduce potential pollutants, including sediment from erosion or siltation, to the maximum extent practicable from entering storm water runoff: silt fence, gravel bag berm, street sweeping/vacuuming, material deliver/storage, stockpile management, solid waste management, concrete waste management, stabilized construction entrance/exit, and paving and grinding operations. These measures will control erosion and sedimentation and satisfy waste discharge requirements as required by the Land-Use Planning for New Development and Redevelopment Component of the San Diego Municipal Permit (SDRWQCB Order No. 2001-01), as implemented by the San Diego County Jurisdictional Urban Runoff Management Program (JURMP) and Standard Urban Storm Water Mitigation Plan (SUSMP). The SWMP specifies and describes the implementation process of all BMP's that will address equipment operation and materials management, prevent the erosion process from occurring, and prevent sedimentation in any onsite and downstream drainage swales.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

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NO

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NOT APPLICABLE

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Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

The project consists of a four parcel subdivision and remainder parcel. The project subdivision is subject to the County Noise Element which requires all proposed noise sensitive land uses to be 60 dBA CNEL (exterior) and 45 dBA (interior). The primary noise source associated with the project subdivision is from future vehicle traffic from Reche Road. Based on preliminary GIS noise layers, the future traffic 60 dBA CNEL contour will be located approximately 100 feet from the Reche Road centerline. Staff has evaluated this further and conducted a preliminary noise model to support the GIS noise layer finding. The preliminary noise model utilized a future traffic 11,000 ADT for

the Reche Road segment which was obtained from the Sandag Series 11 Traffic Forecast 2030 website. Reche Road is classified as a rural collector road within the County Circulation Element and was modeled using the minimum design speed of 40 mph for this type of roadway classification. Preliminary noise model Sound 32 results were consistent with the GIS noise layers and the future traffic 60 dBA CNEL is located 100 feet from the centerline of Reche Road. The 60 dBA CNEL noise contour line falls within portions of the Remainder Parcel and Parcel 2. Based on the preliminary grading plan, setbacks of 100 feet is located on the existing pond within the Remainder Parcel. A 50 foot setback is also located on Parcel 2. These setbacks will preclude any construction of any future potential noise sensitive land uses in these areas. The future traffic 60 dBA CNEL overlaps these setback areas and a Noise Protection Easement to the project subdivision is not necessary. Therefore, the project subdivision will comply with County noise standards.